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drawings and claims, and further in view of the following remarks, reconsideration of the application is respectfully requested.

#### **DISCUSSION OF AMENDMENTS TO THE SPECIFICATION**

On page 11, line 29, the phrase "frying, toasting or puffing" has been replaced with "frying or toasting" in order to remove the word "puffing" from the specification since the cereal pieces of this application are non-puffed as discussed on pages 5 and 6 of this amendment/response. It should be noted that in drafting the present application, a prior application which included "puffing" was used as a template. The reference to "puffing" on page 11, line 29 of the present application was only inadvertently left in the discussion and is being removed based on the remainder of the disclosure.

#### **DISCUSSION OF AMENDMENTS TO THE CLAIMS**

On pages 2-3 of the Office Action, the Examiner has rejected claims 1, 11, 18, 19, 21, 24, and 50 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims have been amended to more particularly point out and distinctly claim the invention based on the points raised by the Examiner. For example, claims 1 and 11 has been amended to provide antecedent basis for "said pieces" in line 5 of claim 1 and line 1 of claim 11. Furthermore, other changes have been made to claims 13, 26, 27 and 28 to correct other potential formal problems noted upon a thorough review of the claims. However, the Examiner will note that the term "thin" has been retained in each of claims 11, 19 and 21 as this is considered to be a distinguishing

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limitation for these claims. Certainly, the specification sets forth dimensions of the layers and what is meant by "thin." The Applicant would be willing to delete this word in the claims, but it is requested that the Examiner reconsider this rejection as the word does present significant limitations, as discussed more fully below, when properly read in light of the specification.

On page 3 of the Office Action, the Examiner rejected claims 1-50 under 35 U.S.C. § 103(a) as being unpatentable over Brown et al (U.S. Patent No. 5,558,890). Regarding this rejection, claims 1 and 11 have been amended to limit the cereal pieces of the invention as non-puffed cereal pieces. Brown et al, which is owned by the same assignee of the present applicant, discloses multilayered puffed R-T-E cereal pieces and a high intensity microwave method of preparing the puffed cereal pieces. Again, present claims 1 and 11 have been amended to specify that the cereal pieces are non-puffed. As stated on page 2, line 29 - page 3, line 1, "the cereal pieces are essentially characterized by a laminate structure of a multiplicity of intermediate cereal dough flakes or layers each having a finished volume the same as its initial volume." The cereal pieces disclosed in Brown et al are characterized by an "intermediate cereal dough layer having an expanded volume relative to its initial volume." In addition, the finished cereal pieces in Brown et al have typical expansion ratios ranging from about 3 to 10 (See col. 8, 31-32).

Further, claim 1 requires 4 to 20 layers of cooked cereal dough, each layer having a thickness of about 100 to 500 micrometers. The cumulative thickness of the layers, as indicated in claim 11, is from about 10mm to 25mm. The thinness of each layer and the thickness of the cumulative layered product implies that many air layers, or voids, exist between the dough layers. The voids, as described on page 4, lines 20-22, can range from about 0.1 to 4 mm. The cumulative layers are compressed at 10 to 50 psi (60 to 300 kPa), preferably about 25 psi. This is an amount sufficient to keep the product layers from separating, while still maintaining voids between the layers. The combination of a multiplicity of thin dough layers and voids gives the cereal pieces a unique pastry-like

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quality, as well as a crispness. In contrast, Brown et al teaches the use of 3 or more layers of cooked cereal dough, each having a thickness of about 0.025 to 0.15 inch (630 to 3810 micrometers), as disclosed in column 5, line 8. The cumulative layer thickness disclosed in Brown et al is about 0.050 to 0.500 in. The layer thickness vs. the cumulative thickness suggests that very few voids exist between the layers. In fact, as stated in column 5, lines 60-61, Brown et al discloses that the sheets are compressed to a sufficient amount to prevent delamination during puffing. The pressure necessary to sufficiently compress the sheets ranges from about 100 to 5000 psi (600 to 30,000 kPa), as disclosed in column 5, lines 61-63 of Brown et al. The amount of pressure necessary to compress the layers in Brown et al compared to the amount required by the present application suggests that the products are vastly different, even aside from the puffing distinction. However, the independent claims have been further limited to cover only non-puffed products, as opposed to the puffed products of Johnson et al. The moisture content of less than 6% as required by the independent claims in this case is simply not met by the puffed products of Johnson et al.

#### **DISCUSSION OF AMENDMENTS TO THE DRAWINGS**

Figure 1 has been amended to label the same "Prior Art" in order to address the objection raised by the Examiner in the Office Action on the top of page 2. If this change is approved by the Examiner, a new formal drawing sheet will be submitted upon receipt of a Notice of Allowability.

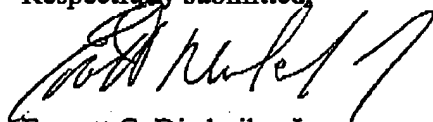
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**CONCLUSION**

Based on the above remarks and the amendments to the specification, claims, and drawings, it is respectfully submitted that all of the claims in this application should be in clear condition for allowance. Therefore, allowance of the claims and passage of the application to issue is respectfully requested. If the Examiner should have any additional concerns regarding this election, she is cordially invited to contact the undersigned at the number provided below to further expedite the prosecution of the application.

Respectfully submitted,



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20

1/2



20mm

FIG. 1 (PRIOR ART)



20mm

FIG. 2

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1. (Once Amended) A plurality of multi-layered non-puffed laminated cereal pieces, each piece comprising:
  - A. from 4 to 20 non-puffed cereal layers wherein each layer:
    - 1) being fabricated from a cooked cereal dough,
    - 2) having a thickness of about 100 to 500 micrometers,wherein a quantity of said pieces having:
  - a piece count ranging from about 6 to 20 per 10g
  - a bulk density of about 0.06 to 0.4g/cc., and
  - a moisture content of <6%.
11. (Once Amended) A method for preparing non-puffed [a] multi-layered cereal pieces comprising the steps of:
  - A. providing a compressed laminated cereal dough bed or mass having a multiplicity of distinct horizontally extending parallel thin layers each fabricated from a cooked cereal dough, wherein the cereal dough bed or mass has
    - a cumulative thickness of the layers ranges from about 10mm to 25 mm;
    - a temperature of about 20 °C to about 45 °C, and,
    - a moisture content of about 15-20%;
  - B. forming the compressed cereal dough bed or mass into pieces;
  - C. drying the pieces to a moisture content of about less than 6% to form dried laminated cereal pieces.
13. (Once Amended) The method of claim 12 wherein the compressed bed has a cumulative bed thickness of 10-15 mm [ranges from about 10-25 mm, and wherein Step A the dough has a moisture content of about 15-20%].
18. (Once Amended) The method of claim 17 further comprising the step of:
  - D. providing the [ready-to-eat] cereal pieces with a topical coating.

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19. (Once Amended) The method of claim 11 [5] wherein Step A comprises the sub-steps of:
- A1. providing a multiplicity of at least five layers of separate thin sheets of semi-moist cooked cereal doughs, or layers of individual flakes having an initial thickness, and
- A2. compressively layering the separate sheets or flake layers to form a single continuous compressed mass having a compressed thickness whereby the layers are bonded together.
21. (Once Amended) The method of claim 20 wherein in Step A all layers are provided by a quantity of thin flakes[, and].
24. (Once Amended) The method of claim 18 [23] comprises the sub-steps of:
- D1. applying a first liquid or binder base coating to the cereal pieces to form a base coated laminated cereal pieces, and,
- D2. applying a particulate top coating to the [a] base coated laminated cereal pieces to form a topically coated laminated cereal piece.
26. (Once Amended) The method of claim 25 wherein in Step D2, at least a portion of the particulate top coating is supplied by ground sucrose.
27. (Once Amended) The method of claim 26 wherein Step D2 at least a portion of the particulate top coating is supplied by ground cinnamon.
28. (Once Amended) The method of claim 18 [23] wherein step D includes: providing the cereal pieces with a pre-sweetening coating.

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50. (Once Amended) The method of claim 11 wherein the steps A-C [E] are practiced in sequential order.